

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALICO PATRICE ALLARD,

Defendant.

CR 22-118-BLG-SPW

ORDER

This matter comes before the Court on Defendant Calico Patrice Allard's Motion for Reconsideration, filed September 27, 2023. (Doc. 78). Allard asks the Court to reconsider its denial of her Motion for Compassionate Release. (*Id.*). The Court denied Allard's initial motion on the grounds that she had not exhausted her administrative remedies with the Bureau of Prisons. (Doc. 76). Allard now states that she filed her request with the BOP, and the BOP denied it because she is in state custody, over which the BOP has no control. (Doc. 78 at 1).

This Court sentenced Allard to a 36-month term of imprisonment for Wire Fraud and Aggravated Identity Theft on August 18, 2023. (Doc. 69). She currently is in state custody pending the resolution of various state cases.

The Court denies Allard's motion because it lacks jurisdiction. Like the BOP, the Court does not have jurisdiction over state facilities or inmates. Further, it cannot preemptively grant her compassionate release because she must be in


federal custody in order for the Court to order her release from said custody.

Accordingly, Allard filed her Motion for Compassionate Release prematurely.

The Court understands that Allard expects to plead guilty and receive five years suspended in her state cases. (Doc. 78 at 6–7). If Allard receives a suspended sentence or otherwise is not incarcerated on her state charges, she presumably will be transferred to federal custody following sentencing. If/when Allard is transferred to federal custody, the Court will have jurisdiction to consider her request for compassionate release.

IT IS SO ORDERED that Calico Patrice Allard's Motion for Reconsideration (Doc. 78) is DENIED.

DATED this 27th day of September, 2023.


SUSAN P. WATTERS
United States District Judge